

FROM ROGITZ 619 338 8078

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Walker) Art Unit: 3763
Serial No.: 09/939,239) Examiner: Desanto
Filed: August 24, 2001) 001/017 (1-3) USA
) February 10, 2005
) 750 B STREET, Suite 3120
) San Diego, CA 92101
)

SUPPLEMENTAL APPEAL BRIEF

Commissioner of Patents and Trademarks
Washington, DC 20231

Dear Sir:

This brief is submitted in response to the attempt to reopen prosecution dated January 26, 2005. The appeal is reinstated. All fees have been paid, so no new fees are due. The appeal is under 35 U.S.C. §134 and is in accordance with 37 C.F.R. Parts 1, 5, 10, 11, and 41, effective September 13, 2004 and published at 69 Fed. Reg. 155 (August 2004).

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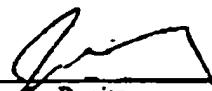
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PATENT
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about 55-60 mm), Claim 30 (three balloons disposed in a consecutive order with specific balloon diameters), Claim 31 (specific wall thickness), and Claim 33 (specific heat conductivity of balloon) are being rejected, these claims remain rejected without discussion, *after SPE review and approval of the present Office Action*. Having forced the present appeal after issuing multiple rejections, it would be exasperating and unacceptable indeed to cascade prosecution costs by reopening prosecution or otherwise contesting the patentability of these claims.

Respectfully submitted,


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JLR:jg

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